

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 03 NOV 2004

PCT PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2004/000165

International filing date (day/month/year)
22.01.2004

Priority date (day/month/year)
24.01.2003

International Patent Classification (IPC) or both national classification and IPC
H04Q7/22, H04M17/00, H04M15/00, H04L12/14, G06F17/60

Applicant
NOKIA CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/000165

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/000165

Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/000165

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 21-34,37,38

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 21-34,37,38
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- ☐ See separate sheet for further details

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/000165

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☒ not paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 1-20,35,36

Box No. V Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-20,35-36
	No: Claims	
Inventive step (IS)	Yes: Claims	1-20,35-36
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-20,35-36
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/000165

Box No. VI Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)
and / or
2. Non-written disclosures (Rules 43*bis*.1 and 70.9)
see form 210

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB04/00165

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

No opinion was established in respect of claims 21-34, 37-38, because of the non-establishment of an international search report for said claims, since in response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant did not pay any additional fees.

Re Item IV

Lack of unity of invention

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. Claims 1-20, 35, 36

A communications method and system, comprising a controller for managing the access to a plurality of services in a session, by requesting an amount of money to be reserved and by controlling the allocation of said reserved portion between said plurality of services.

2. Claims 21-34, 37, 38

A communications method, and system comprising a controller for converting the requested reserved amount of money for accessing a plurality of services simultaneously, from a first form type to a second form type.

Each group of claims contains a number of technical features defining its subject matter.

The only feature common to both groups is the "communications method and system comprising a controller used for the reservation of an amount of money for accessing a plurality of services"

The features defined in the group of claims are not the same or corresponding, that is they have different technical effects related to different technical problems.

The special technical features of Group I solve the objectively determined problem of how to control the allocation of a reserved amount of money between a plurality of services in a single session in a prepaid environment.

The special technical features of Group II solve the objectively determined problem of how to convert in a prepaid environment, the reserved amount of money for a plurality of simultaneous services, from a first type of form to a second type of form.

Thus these two groups of inventions do not have any special technical features in common, nor they have any corresponding special technical features as meant by Rule 13.2 PCT, as they relate to different solutions of different objectively determined problems. Hence, Rule 13.1 PCT is not satisfied and the subject matter of the application contains two subjects which are not linked by a single inventive concept.

It is therefore considered that the international application does not comply with the requirements of unity of invention.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1: US-A-5 995 822 (SMITH OLA ET AL) 30 November 1999 (1999-11-30)

Document **D1**, which is considered to represent the most relevant state of the art, discloses a prepaid system and method for controlling the access to one or more simultaneous communications, by reserving a first portion of money from the users account when the first communication starts, and reserving a second portion of said

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB04/00165

money already depleted by all or some of said first portion from the users account for the second simultaneous communication, from which the subject-matter of claim 1 differs in that since there are simultaneous services accessed in a single session, the reservation of a portion of money from the prepaid amount has to be done at one step for all the services and then allocated to between them.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as how to control the access to a plurality of services in a single session, in a prepaid environment.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: the system and method proposed comprises a controller responsible for requesting the reservation of a portion of the prepaid amount for the services to be accessed in single session and for controlling the allocation of said reserved portion between said plurality of services.

The same reasoning applies, *mutatis mutandis*, to the subject-matter of the corresponding independent claims 35,36, which therefore are also considered new/inventive.

Claims 2-20 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB04/00165

Re Item VI

Certain documents cited

Certain published documents

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
US2003/0078031	24/04/2003	28/03/2002	19/10/2001

Re Item VIII

Certain observations on the international application

1. Claim 21 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined, since the term "said second entity" used in the claim is not defined anywhere before in the same claim.
2. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document US-A-5 995 822 is not mentioned in the description, nor is this document identified therein.